

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

DEMI KOSTKA, et al., individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

DICKEY'S BARBECUE
RESTAURANTS, INC., et al.,

Defendants.

No. 3:20-cv-3424-K

Hon. Ed Kinkeade

Consolidated with:

Civil Action No. 3:20-cv-3603-K

Civil Action No. 3:21-cv-0137-K

Civil Action No. 3:21-cv-0769-K

**UNOPPOSED MOTION FOR ENTRY OF AN ORDER SETTING A SCHEDULE
LEADING UP TO A FINAL APPROVAL HEARING**

Plaintiffs, by counsel, submit this Unopposed Motion to request that the Court enter the proposed Preliminary Approval Order, and enter an order establishing the schedule set forth below. In support of this Motion, Plaintiffs state as follows:

1. On August 14, 2021, Plaintiffs filed a Motion for Preliminary Approval of Class Action Settlement and Plaintiffs' Brief in Support (ECF No. 62).
2. On October 14, 2022, Magistrate Judge Rebecca Rutherford issued the Findings, Conclusions, and Recommendations of United States Magistrate Judge Rebecca Rutherford, determining that the proposed Settlement satisfies the criteria for preliminary approval, the proposed Settlement Class should be preliminarily certified, and the proposed Notice Plan should be approved (ECF No. 89).
3. On November 8, 2022, the Honorable Judge Ed Kinkeade issued an Order Accepting Findings, Conclusions, and Recommendations of the United States Magistrate Judge (ECF No. 90) ("Preliminary Approval Order").

4. Since the Preliminary Approval Order did not include a schedule for the final approval hearing, Plaintiffs propose that the Court set the following schedule and enter the Proposed Order Conditionally Certifying a Settlement Class pursuant to Fed. R. Civ. P. 23, Granting Preliminary Approval of The Class Action Settlement, Approving the Form and Manner of Notice, and Scheduling Final Approval Hearing, filed in connection herewith:

Event	[Proposed] Deadline
Dickey's provides CAFA notice required by 28 U.S.C. § 1715(b)	Occurred on August 20, 2021
Dickey's provides notice to Class Counsel and the Court of compliance with CAFA requirements	Occurred on August 21, 2021
Class notice program commences	Within 30 days after entry of this Preliminary Approval Order
Motion for Attorney's Fees, Reimbursement of Costs and Expenses, and Service Awards to be filed by Class Counsel	At least 30 days before the objection deadline
Postmark deadline for requests for exclusion (Opt-Out) or objections	135 days after entry of this Preliminary Approval Order
Postmark/filing deadline for filing claims	135 days after entry of this Preliminary Approval Order
Motion for Final Approval to be filed by class counsel	At least 21 days before the Final Approval Hearing

For these reasons, Plaintiffs respectfully request that the Court grant this Motion. Plaintiffs have conferred with counsel for Defendants, and Defendants do not oppose this Motion.

Dated: November 23, 2022

Respectfully submitted,

/s/ Benjamin F. Johns
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Additional Interim Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on counsel of record through the Court's CM/ECF system November 23, 2022.

/s/ Benjamin F. Johns

Benjamin F. Johns